

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

GINGER WHITESIDE,)	
)	
Plaintiff,)	
)	
vs.)	CIVIL NO. 05-207-GPM
)	
JOHNSON DIVERSEY, INC., d/b/a S.C.)	
JOHNSON PROFESSIONAL and/or)	
JOHNSON WAX PROFESSIONAL, and)	
H.P. PRODUCTS CORPORATION,)	
)	
Defendants/Third-)	
Party Plaintiffs,)	
)	
vs.)	
)	
PROTESTANT MEMORIAL MEDICAL)	
CENTER, INC., d/b/a MEMORIAL)	
HOSPITAL OF BELLEVILLE, ILLINOIS,)	
)	
Third-Party Defendant.)	

MEMORANDUM AND ORDER

MURPHY, Chief District Judge:

Plaintiff has filed a pleading titled "Notice of Dismissal" (Doc. 78). As this Court stated in a Memorandum and Order dated May 4, 2006 (Doc. 75), the Federal Rules of Civil Procedure provide,

an action may be dismissed by the plaintiff without order of court (i) by filing a notice of dismissal at any time before service by the adverse party of an answer or of a motion for summary judgment, whichever first occurs, or (ii) by filing a stipulation of dismissal signed by all parties who have appeared in the action.

FED. R. CIV. P. 41(a)(1).

Defendant JohnsonDiversey filed an answer to Plaintiff's complaint on April 1, 2005 (*see* Doc. 8), and the instant pleading is not signed by all parties.¹ The notice states, however, that the matter has been resolved between the parties and seeks to dismiss the action with prejudice. Thus, the Court construes the instant pleading as a motion for voluntary dismissal of the entire action pursuant to Federal Rule of Civil Procedure 41(a)(2).

Accordingly, the Court **GRANTS** Plaintiff's motion to dismiss (Doc. 78). This action is **DISMISSED with prejudice**, and the parties shall bear their own costs. The Clerk is **DIRECTED** to enter judgment accordingly.

IT IS SO ORDERED.

DATED: 06/29/06

s/ G. Patrick Murphy
G. PATRICK MURPHY
Chief United States District Judge

¹ The Court notes that Defendant H.P. Products Corp. was dismissed without prejudice on May 4, 2006 (*see* Doc. 75), and the third party claims were dismissed on June 16, 2006 (*see* Doc. 76). Accordingly, Defendant JohnsonDiversey, Inc., d/b/a S.C. Johnson Professional and/or Johnson Wax Professional, is the only remaining party to the action.